HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

Writ Petition No.11363 of 2002

Date: 3rd February, 2006

Between:

1.J.Devamma, W/o. late J.Balaiah, R/o.H.No.38,

Bhaskarnagar, Kurnool and others.

…Petitioners

AND

1. District Collector, Kurnool and others.

…Respondents

HONOURABLE SRI JUSTICE B.SESHASAYANA REDDY

Writ Petition No.11363 of 2002

ORDER:

This writ petition has been filed by the petitioners, who are four in number, questioning the notification, dated 25.02.2002, issued under Section 4(1) of the Land Acquisition Act, 1894 (for short, 'the Act') published in EENADU Telugu daily newspaper, Kurnool Edition, dated 28.02.2002.

2. The petitioners claim that they are the owners and possessors of the land admeasuring Ac.6.76 cents comprising Survey No.169 of Venkayapalli village, H/o. Rudravaram village, Kurnool Mandal and District. The main grievance of the petitioners is that their names do not find place in the notification issued under Section 4(1) of the Act as pattadars of the land proposed to be acquired.

3. The respondents filed counter affidavit. It is stated in their counter affidavit that the petitioners have given their consent for acquisition of the land and to give advance possession at the rate as fixed by the Government without demanding for any other benefits and interest. Attested Xerox copies of the statements of the petitioners have also been enclosed to the counter affidavit. Para.9 of the counter affidavit needs to be noted and it is thus:

> "9. Hence, it is submitted that the Draft Notification and Draft Declaration U/Ss.4(1) and 6 of the Land Acquisition Act were published in Kurnool District Gazette and two daily Newspapers. It is further submitted that the lands were taken possession on 21.06.2002 and house site Pattas were distributed to the beneficiaries on 29.06.2002 as the land owners have given their consent for acquisition and to give advance possession at the rate as fixed by the Government without demanding for any other benefits and interest compensation as the weaker section people badly needed for house sites on issue of notices U/S.9(3) & 10 and 9(1) & 10, all the petitioners have attended for Award Enquiry and given their consent for acquisition @ of Rs.55,000/- per acre."

4. Heard learned counsel appearing for the petitioners and learned Government Pleader for Land Acquisition appearing for the respondents.

5. Since the petitioners have given their consent and participated in the Award Enquiry, no further direction is required to be given in this writ petition. However, I deem it appropriate to direct the respondents to pass Award as expeditiously as possible preferably, within six weeks from today, if not already passed.

6. Accordingly, the writ petition is disposed of. No costs.

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B.SESHASAYANA REDDY, J.

Date: 03rd February, 2006.

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